THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.15285 OF 2004

Between:

S.Ramaprasad

……Petitioner

Vs.

Secretary, Home (Police Department, Government of A.P., Saifabad, Hyderabad and eight others.

…….Respondents.

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.15285 OF 2004

O R D E R:

1) No representation for the petitioner. Heard the learned Government Pleader for Home.

2) This writ petition is filed questioning the action of the respondents in seizing the mini bus belonging to the petitioner.

3) In the counter affidavit filed on behalf of the respondents, they denied seizure of the bus belonging to the petitioner.

4) By the order, dated 10.09.2004, the learned Judge by referring to **VINESH PUNDIR VS. STATE OF U.P.**[1] called for a report from the District Judge, Kadapa, to make an enquiry after giving notice to both parties and submit a report with regard to the allegations made in the affidavit filed in support of the petition and the counter affidavit filed on behalf of the

respondents.

5) The District Judge, Kadapa, sent a report, dated 17.11.2004 to this Court stating that in spite of several opportunities being granted to the petitioner, he failed to produce any evidence in support of the application and that the respondents came forward and gave their affidavits and the petitioner even failed to cross examine those persons who gave the affidavits and held "I am inclined to submit that apparently because the averments made by the petitioner in his affidavit filed in support of the writ petition are not true, he failed to produce any evidence to substantiate the same".

6) In view thereof, the writ petition dismissed with costs. The Advocate fee is fixed at Rs.2,000/- (Rupees two thousand only).

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C.Y.SOMAYAJULU J.,

Dt.18.09.2007
tjs

[1]) 2002(9) SCC 563